

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM (80) 557 final

Brussels, 20 October 1980

PROPOSAL FOR A COUNCIL DIRECTIVE  
ON THE APPROXIMATION OF LAWS OF THE MEMBER STATES  
RELATING TO THE INDICATION OF THE ORIGIN  
OF CERTAIN TEXTILE AND CLOTHING PRODUCTS

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(submitted to the Council by the Commission)

Explanatory Memorandum.

Desiring to provide for the need to inform consumers about the origin of the product which they may be intending to buy, some member-states have recently launched initiatives with the aim of regulating autonomously the indication of the origin of certain textile and clothing products.

The following national measures are involved :

- France intends to apply as from 1st October 1980 the autonomous measures provided for by decree n° 79.750 of 29 August 1979, published in the J.O. of 7 September 1979, as amended by decree N° 80.281 of 15 April 1980, published in the J.O. of 21 April 1980;
- The United Kingdom is preparing a draft regulation, Denmark had already envisaged a like regulation in 1978 and Italy has indicated to Commission officials that it also envisages a national regulation.

All the measures referred to above risk to constitute, either in themselves, or by the differences between them, a barrier on the free circulation of goods within the Community.

The Commission sent a communication to the Council on 12 March 1980 "concerning textile problems associated with the question of origin marking" (1). In that text the Commission indicated the lines of action which it intended to follow, concerning notably the problems of origin marking, in respect of which it is of the opinion that a common solution should be sought in order to respond in a concrete manner to the desire for the information of the consumer about the origin of products.

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(1) COM (80) 110 final/2

Since then, in the statement made to COREPER on the origin marking of certain textile and clothing products on 23 July 1980, the Commission has stated its intention to seek a Community solution which takes account of both the concern of certain member-states in the matter of consumer information and the maintenance of the proper functioning of the Common Market. It has furthermore defined the following criteria for compatibility with the principles of the free circulation of goods :

- no obligation on a manufacturer to attach an origin mark himself in a permanent manner;
- no obligation for an indication of origin at the time of importation;
- obligation to indicate origin solely at the point of retail sale;
- sufficient flexibility in the form and manner of indicating origin to enable retailers to meet this obligation easily themselves;
- selection of products for which the indication of origin, in the sense defined above, constitutes a necessary means to obtain the result sought.

Taking into account the several national initiatives the Commission now considers it opportune to transmit to the Council a proposal for a directive concerning the approximation of member-states legislation on the indication of origin of certain textile and clothing products in accordance with the principles set out above.

By virtue of the provisions of the directive, the member-states have to take the necessary steps for the indication of origin of these products at the stage of final consumption to be based on the same criteria within the Community.

Furthermore they have to take the necessary steps so that the various commercial operation operators are in a position to know the origin of the products, whether these are manufactured within or outside the Community, so that at the stage of the offer for sale to the final consumer the seller has at his disposal the complete and true information. However, the Commission has not thought it necessary to include, in its proposal for a directive, the general obligation of the indication of origin of these products for all member-states, but to leave to the latter the choice whether to make it compulsory on the basis of their own appraisal of the need for informing the consumer.

Furthermore, desiring to ensure the free circulation of goods, there can in no case be an obligation to indicate the originating member-state, the commercial operator having the choice among several possibilities. In the same sense, the system proposed for the indication of origin sets out to avoid any obligation or control at the stage of the frontier being crossed.

## CONSIDERANTS

Proposal for a Council directive on the approximation of laws of the Member States on the indication of the origin of certain textile and clothing products.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas certain Member States have made or intend to make provision concerning an indication of the origin of these products,

Whereas these provisions vary from one Member State to another, giving rise to obstacles to the functioning of the Common Market,

Whereas these obstacles can be avoided if the indication of origin of these products is subject to rules harmonised at the level of the Community;

Whereas it is advisable to ensure that these rules do not lead in any way to a restriction of the trade in goods, whereas in consequence it is advisable to provide for the indication of origin only at the stage of the offer for sale of the product to the final consumer;

Whereas it is indispensable that all the member-states take the necessary steps so that at the stage of the sale to the final consumer within the Community this indication is based on the same criteria; without it being necessary to make the indication of origin obligatory

Whereas the information enabling the origin of these products to be determined has to be available at all stages of the industrial or commercial cycle,

HAS ADOPTED THIS DIRECTIVE :

Article 1.

The present directive has as its object the approximation of national legislation concerning the indication of the origin of the textile and clothing products set out in the Annex.

Article 2.

1. The member-states can only make the indicative of origin obligatory at the stage of the offer for sale of the product to the final consumer.
2. The member-states shall provide for the option of commercial operators affixing the indication of origin at a stage of the industrial or commercial cycle prior to that of the sale to the final consumer. If that is not the case, the commercial operators acting at the stages of the industrial or commercial cycle prior to that of the sale to the final consumer shall be required to supply in writing the information necessary to determine the origin of the product.

3. This information is to be supplied in accordance with the provisions of Commission regulation (EEC) N° 749/80 (1) of 10 April 1948, on the determination of the origin of textile and clothing products and its amendments; which was made in implementation of Council Regulation (CEE) N° 802/68 (2) of 27 June 1968, concerning the common definition of the concept of the origin of goods.
  
4. The affixing of the indication of origin may also be replaced by such information as will enable origin to be determined, when the products are delivered in performance of a government order or an order placed by some other legal person governed by public law.

Article 3.

1. The indication of origin, with which the textile and clothing products listed in the annex are furnished or by which they are accompanied, shall be supplied in the following manner :
  - for products originating in a member-state of the EEC : by the indication "Made in the EEC". The member-states leave to the commercial operators concerned the choice of replacing or completing this indication by that of the name of the originating member-state.
  
  - for products originating in third countries : by the indication "Made in ..." followed by the name of the third country of origin, determined in accordance with the origin rules provided for in Article 2 paragraph 3 above.
  
2. The member-states leave to the commercial operators the option of expressing the above mentioned indication in one of the official languages of the Community.

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(1) J.O. L 101 of 14/4/1980  
(2) J.O. L 148 of 23/6/1980

Article 4.

The manner in which origin is indicated may vary according to the product in question. It is not necessary that the indication should be permanent in character. The member-states shall leave to the economic operators the option of choosing among the following methods :

- an indication shown on the product itself or on a label attached to the product;
- an indication shown on the packaging if the product is individually packed;
- an indication displayed with the product, or near the product, if the product does not lend itself to the attachment of an indication of the origin;
- an indication of origin shown in the catalogues and offers for sale of mail-order houses.

Article 5.

1. The indications of origin shall be displayed in typographic characters which are easily legible and clearly visible. They shall be clearly separated from any other indication or information with the exception of trade-marks or trade-names. However if the trade-mark or trade-name comprises in noun, adjective or root form any indication which could be confused with the indication of origin, the indication of the trade-mark or trade-name should be clearly separate.
2. Two or several products which habitually form an inseparable unit may be provided with only one indication of origin.



Article 6.

1. The member-states, who do not make the indication of origin obligatory, shall take the necessary steps so that all indications of origin with which the textile and clothing products set out in the annex are furnished or by which they are accompanied are in conformity with the provisions of the present directive. They shall equally take the steps needed so that the provisions of paragraph 2 of article 2 are observed in all cases.
2. The member-states may for reasons concerning indications of origin neither prohibit nor hinder the offering for sale of textile and clothing products if these satisfy the provisions of the present directive.
3. The steps taken by virtue of this directive are in no case to be applied in a manner to create obstacles to trade.

Article 7.

1. The Member States shall put into effect the measures necessary in order to conform with the present directive by ... (six months from its adoption) and shall forthwith inform the Commission thereof.
2. The Member States shall ensure that the texts of the main provisions of national law which they adopt in the field covered by this directive are communicated to the Commission.

Article 8.

This Directive is addressed to the Member States.

Done at Brussels, .....

ANNEX.

LISTE OF PRODUCTS COVERED BY THIS DIRECTIVE.

<u>NIMEXE</u>	<u>DESCRIPTION</u>
Chapter 60	Knitwear
Chapter 61	Clothes and clothing accessories of textile fabric
62.01	Blankets
62.02	Bed linen, table linen, toilet linen, office and kitchen linen, curtains, net curtains and other furnishing articles.